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February 15, 2017

Sen. Bob Dixon
Joint Committee on the Justice System
Vice-Chairman
State Capitol, Room 221
Jefferson City, MO 65101

Re: Department of Corrections Problem

Dear Mr. Vice-Chairman:

Recently I have heard some disturbing information from both constituents and news media sources that suggest that there is a very hostile racial climate in the Missouri Department of Corrections.

These concerns were reinforced by a series of newspaper articles written in the St. Louis Post-Dispatch in December of 2016 as well as a lengthy article that appeared in a Kansas City newspaper titled: *Prison Broke*. These articles reported a series of lawsuits alleging sexual and racial harassment and retaliation in the Missouri penitentiary system that have occurred over the past five years. Most of these lawsuits have been filed by African-Americans or female staff members. An attorney who is one of my constituents has conducted a brief follow-up investigation to verify the facts in the news articles and found that the allegations appear to be substantially accurate. The Department of Corrections ("DOC") has been quietly settling these lawsuits over the past five years without informing the Office of the Governor, the State legislature or any other elected public servants. A casual review of a few of these incidents provides chilling insight into the climate of racial hostility and fear that currently grips the DOC.

Between 2012 and 2016 the DOC paid out approximately \$7.6 million in judgment and settlement payments and currently has 33 lawsuits pending. In the first six months of 2016 alone, the DOC paid out more than \$4 million to victims who claim they were harassed because of sex or religion or were retaliated against after they filed their suits.

Almost as stunning as the incidents themselves is the deliberate efforts of DOC to conceal institutional misconduct from public view. By using a clever method of forcing settling litigants to sign a confidentiality agreement, the DOC has successfully avoided the Missouri Sunshine Laws and the strong public policy against secret settlements. This has become a common tactic among municipalities and state government agencies who settle serious allegations for substantial monetary payments, but do not want to have the settlements publicly reported. They

do this by effectively purchasing the silence of their accusers by offering to pay them substantial monetary payments but in exchange require them to sign an agreement which precludes them from disclosing the terms of the settlement and/or making any public comment on the underlying allegations. By silencing their accusers, the DOC has avoided any scrutiny from the state legislature or Governor.

African-American inmates appear to comprise between 40% to 50% percent of all incarcerated inmates in the state but many of the institutions have few, if any, African American employees. I realize the location of many of these institutions render it difficult to recruit and hire racial minorities, but I suspect the hostile work climate at many of the institutions plays a huge role. As a member of the Joint Committee on Corrections, I am requesting that the committee conduct a full and thorough investigation into the following:

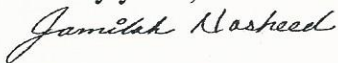
- All settled and pending lawsuits filed against DOC in the last five years relating to either employee or inmate complaints of racial or sexual harassment or retaliation for filing the lawsuit;
- All similar complaints that have been made to the Missouri Human Rights Commission, EEOC, DOC or individual correctional institutions which may not have resulted in a lawsuit;
- The efforts by DOC to recruit and maintain racial minority employees and how those efforts could be improved;
- Complaints from African-American inmates that they frequently have to endure racial taunts by Correctional officers and experience retaliation when they file complaints; and
- All settlement agreements that DOC entered into in the last five years.

I commend Governor Greitens for taking swift and decisive action in the wake of the recent revelations. His new Department head, Ann Precythe, has a promising resume and may be an upgrade from the previous Department head. However, the problems appear to be so serious I am calling for an immediate hearing for an investigation into the Department of Corrections.

Legislative action may need to be taken to strengthen or clarify the Missouri Sunshine Law to stop the practice of concealing lawsuit settlements. Additionally, DOC needs to be much more aggressive in its recruitment of minorities and in its stance against racial and sexual harassment.

Thank you for your consideration of the foregoing request.

Sincerely yours,



Jamilah Nasheed
State Senator